

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROSENDA STRONG,

Plaintiff,

V.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

NO: 13-CV-3111-TOR

REMAND ORDER

BEFORE THE COURT is the Defendant's Motion for Remand, ECF No. 9.

The Defendant seeks to have this case remanded pursuant to sentence six of 42 U.S.C. § 405(g) because significant portions of the recording of the hearing are inaudible. The Defendant represents that upon receipt of this Court's Order of remand, the Commissioner will remand the case to an Administrative Law Judge for a *de novo* hearing.

Sentence six of § 405(g) authorizes the Court, on motion of the Commissioner of Social Security made for good cause shown before the

1 Commissioner files the Commissioner's answer, to remand the case to the
2 Commissioner for further action by the Commissioner. 42 U.S.C. § 405(g). In a
3 sentence six remand, the court "does not affirm, modify, or reverse the Secretary's
4 decision; it does not rule in any way as to the correctness of the administrative
5 determination." *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991).

6 The Court finds good cause exists for remand since portions of the recording
7 from the hearing before the Administrative Law Judge are inaudible.

8 **ACCORDINGLY, IT IS HEREBY ORDERED:**

9 1. The Defendant's Motion for Remand (ECF No. 9) is **GRANTED**. This
10 case is remanded pursuant to sentence six of 42 U.S.C. § 405(g) for
11 further administrative proceedings. Upon receipt of this Order, the
12 Commissioner will remand the case to an Administrative Law Judge for a
13 *de novo* hearing. The Court retains jurisdiction.

14 The District Court Executive is hereby directed to file this Order, provide
15 copies to counsel, and administratively **CLOSE** this file subject to reopening when
16 the Commissioner shall file with the Court any such additional or modified
17 findings of fact and decision.

18 **DATED** April 1, 2014.



19 A handwritten signature in blue ink that reads "Thomas O. Rice".
20 THOMAS O. RICE
United States District Judge